

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STEPHEN P. LEMONS,)	
)	
Petitioner,)	
)	
vs.)	Case No. 05-CV-391-TCK-FHM
)	
ERIC FRANKLIN, Warden;)	
RON WARD, Director; and)	
ATTORNEY GENERAL OF THE)	
STATE OF OKLAHOMA,)	
)	
Respondents.)	

ORDER

This is a 28 U.S.C. § 2254 habeas corpus proceeding. Petitioner is a state inmate appearing *pro se*. By Order filed February 28, 2006 (Dkt. # 20), the Court dismissed with prejudice Petitioner’s petition as barred by the one-year statute of limitations. Judgment (Dkt. # 21) was entered in favor of Respondent on February 28, 2006. On March 8, 2006, Petitioner filed his “objections and Petitioner’s motion for reconsideration and motion for rehearing” (Dkt. # 22). Petitioner requests the Court “to grant his objections, to rehear and reconsider and to reverse its order and ruling denying Petitioner his federal habeas due to one year statute of limitations violations.” See Dkt. # 22.

Petitioner filed his motion within ten (10) days of the entry of the Order dismissing his petition. Therefore, the motion for reconsideration shall be adjudicated as a timely filed Rule 59(e) motion to alter or amend judgment. In his motion, Petitioner argues that the Court “wrongfully calculated and wrongfully assessed” the limitations provisions of § 2244(d) to the facts of his case. He also claims that the Court failed to consider his various arguments for equitable tolling of the limitations period. However, after reviewing the Order filed February 28, 2006, in light of the

arguments presented in the motion for reconsideration, the Court finds no basis for reconsidering the Order dismissing the petition with prejudice. The Court did not err in applying 28 U.S.C. § 2244(d) in this case and considered but rejected Petitioner's bases for equitable tolling of the limitations period. Therefore, Petitioner's motion to alter or amend judgment shall be denied.

ACCORDINGLY, IT IS HEREBY ORDERED that Petitioner's "motion for reconsideration and motion for rehearing" (Dkt. # 22) are **denied**.

SO ORDERED THIS 11th day of April, 2006.

A handwritten signature in cursive script, reading "Terence Kern". The signature is written in dark ink and is positioned above a horizontal line.

TERENCE KERN
UNITED STATES DISTRICT JUDGE